

REMARKS

The Final Office Action dated January 17, 2007 has been received and carefully noted. In response to the Final Office Action, Applicants have amended claim 6, a New Sheet of drawings (as noted above) has been added, and the specification of the application has been amended to include 2 paragraphs describing the New Sheet of drawings. Applicants submit that no new matter has been introduced by any of the above noted amendments, and therefore, entry and consideration of the amendments and the following remarks is respectfully requested.

In paragraph 2 of the office Action, the drawings were objected to under 37 CFR §1.83(a) for not showing every feature of the invention specified in the claims. Specifically, the Office Action took the position that the method steps of claims 1-13 were not expressly shown in the drawings. In response to the objection, Applicants have submitted a New Sheet of drawings illustrating new Figure 5, which is a flowchart illustrating the method steps of claims 1-13. The flowchart of Figure 5 exactly follows claims 1-13, and therefore, Applicants submit that no new matter has been introduced via new Figure 5. Additionally, in conjunction with new Figure 5, Applicants submitted two new paragraphs to the specification that describe Figure 5. Again, the newly submitted paragraphs exactly follow the language of claims 1-13, and therefore, Applicants submit that no new matter has been introduced via the new paragraphs. As such, entry and consideration of the New Sheet of drawings and new specification paragraphs is respectfully requested.

In paragraph 3 of the Office Action, claim 6 was rejected under 35 USC §112, second paragraph, as being indefinite for containing the phrase “the config file,” which does not have proper antecedent basis. Applicants have amended claim 6 to depend from claim 4 to correct this issue. Reconsideration and withdrawal of the rejection is respectfully requested.

In paragraph 4 of the Office Action, claims 1, 2, 4, 6-12, 14-15, 17, 20-24, and 26-27 were rejection under 35 USC §102(b) as being anticipated by *Martin* (US Patent No. 6,029,178). The Office Action took the position that *Martin* teaches each and every element recited in each of the rejected claims. Applicants traverse the rejection and respectfully submit that each of

claims 1, 2, 4, 6-12, 14-15, 17, 20-24, and 26-27 recite subject matter that is not taught or disclosed by *Martin*.

Applicants' independent claim 1, from which each of claims 2-13 directly or indirectly depend, recites a computer-based method of data replication in a programmable computer system that includes the step of determining if the file transactions read from the transaction log file indicate a change in the non-relational database based on a record type of the file transactions, wherein the record type is one of a delete, put, and update record. Similarly, Applicants' independent claim 14, from which each of claims 15-27 directly or indirectly depend, recites a data processing computer-based system for data replication in a sub-system that includes a determining means for determining if the file transactions read from the transaction log file indicate a change in the non-relational database based on a record type of the file transactions, wherein the record type is one of a delete, put, and update record.

Martin teaches a system and method for providing consistency of replicated data in a distributed enterprise computing system by maintaining and using edition level values for data objects in both source and target database systems. When the EDM method captures changes made to a source database, the EDM method operates to obtain an edition level value of the source database. The EDM method then creates and stores a change record comprising the captured changed data in a log, wherein the change record includes the edition level value of the source database to which the changes are being made.

However, *Martin* does not teach determining if the file transactions read from the transaction log file indicate a change in the non-relational database based on a record type of the file transactions, wherein the record type is one of a delete, put, and update record. The Examiner broadly concludes, based merely on the summary of the invention of *Martin*, that the "edition level" described in *Martin* at column 5, lines 35-58 is equivalent to Applicants' recited record type (delete, put, and update record); however, Applicants submit that this conclusion is not supported by the entirety of the specification of *Martin*. The "edition level" in *Martin* is further described at column 28, lines 16-33 as merely being the "version" number of the data

present in the respective database, which is not disclosed as having any sort of equivalence to Applicants' recited record type. More particularly, there is no teaching or disclosure in *Martin* of a "record type," and further, there is clearly no teaching or disclosure of the record type being one of a delete, put, or update record, as expressly recited in each of Applicants' claims 1-14.

Although the Examiner has repeatedly focused upon lines 35-58 in column 5 *Martin* as teaching Applicant's recited record type being a delete, put, or update record, Applicants submit that there is no express teaching of the recited limitations in lines 35-58 of *Martin*. At best, the Examiner has equated Applicants' recited "record type" with the edition level taught in *Martin*, however, Applicants submit that this type of conclusory equation is clearly improper for an anticipation rejection, as it is well settled that the cited reference must expressly teach each and every limitation recited in the rejected claim for an anticipation reference to be proper. If suggestion or inferences are required, as in the present case, an anticipation rejection is not appropriate or proper.

Therefore, Applicants submit that each of claims 1, 2, 4, 6-12, 14-15, 17, 20-24, and 26-27 recite subject matter that is not expressly taught or disclosed by *Martin*. As such, reconsideration and withdrawal of the rejection of claims 1, 2, 4, 6-12, 14-15, 17, 20-24, and 26-27 under 35 USC §102(b) is respectfully requested.

Claims 3 and 16 were rejected under 35 USC §103(a) as being obvious over *Martin* in view of Applicants' Admitted Prior Art (*AAPA*) (specification page 8, last paragraph, lines 6-9). As a preliminary matter, Applicants' note that claims 3 and 16 depend from independent claims 1 and 14, respectively, which have been presented above as containing limitations that are not taught or disclosed by the cited prior art (allowable). Therefore, Applicants submit that claims 3 and 16 are also allowable as a result of being dependent upon an allowable base claim.

The last paragraph of page 8 of Applicants' specification teaches that relational databases 22, 24 may include an EDA relational database or a MES relational database. However, the alleged *AAPA* does not disclose the novel features recited in claims 1 and 14, from which claims 3 and 16 depend. Rather, the alleged *AAPA* merely discloses examples of relational databases to

which file transactions may be sent from the at least one replication server. There is no mention of a record type of file transactions, let alone that the record type is one of delete, put, and update record, as recited in each of claims 3 and 16. Therefore, Applicants submit that the alleged AAPA does not further the teaching of *Martin* (or cure the deficiencies thereof) to the level necessary to support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of claims 3 and 16 over *Martin* and the alleged *AAPA* is respectfully requested.

Claims 5, 13, 18, 19, and 25 are rejected under 35 U.S.C. §103(a) as being obvious over *Martin* in view of *Draper* (U.S. Patent No. 6,192,365). In response, Applicants submit that each of claims 5, 13, 18, 19, and 25 depend from either independent claim 1 or independent claim 14, which have been presented above as containing allowable subject matter. Therefore, Applicants submit that each of claims 5, 13, 18, 19, and 25 also contain allowable subject matter as a result of their dependency on claims 1 or 14. Reconsideration and withdrawal of the rejection of claims 5, 13, 18, 19, and 25 is respectfully requested.

Aside from being allowable as a result of being dependent upon an allowable base claim, Applicants further submit that the combination of *Martin* and *Draper* fails to teach, show, or suggest each and every limitation recited in claims 5, 13, 18, 19, and 25. More particularly, as noted above, Applicants submit that *Martin* fails to teach, show, or suggest determining if file transactions read from the transaction log file indicate a change in the non-relational database based on a record type of the file transactions, wherein the record type is one of a delete, put, and update record, as recited in each of claims 5, 13, 18, 19, and 25. Further, Applicants submit that *Draper* also fails to teach, show, or suggest this limitation, and therefore, Applicants submit that *Draper* fails to further the teaching of *Martin* to the level necessary to properly support an obviousness rejection. As such, reconsideration and withdrawal of the rejection of claims 5, 13, 18, 19, and 25 is respectfully requested.

Additionally, even if it were assumed that the combination of *Martin* and *Draper* somehow teaches, shows, or suggest each of the limitations recited in claims 5, 13, 18, 19, and 25, Applicants submit that there is no teaching or suggestion to combine the references in the

manner suggested by the Examiner. More particularly, Applicants submit *Martin* and *Draper* fail to disclose, or even suggest, the desirability of the combination of “determining if the file transactions indicate a change in the non-relational database based on a record type of the file transactions, wherein the record type is one of delete, put, and update” as specified above and as claimed in claims 1 and 14, from which 5, 6, 13, 18, 19, and 25 depend. Instead of a record type, *Martin* compares the edition level values of the source and target databases. *Draper* merely uses a unique object identifier to identify update objects. There is no teaching or suggestion in either of the cited references of a record type, let alone the record type being that of the recited delete, put, or update. Therefore, one of ordinary skill in the art would not have been led to modify or combine the disclosures of *Martin* and *Draper* to generate Applicants recited invention. Applicants submit that neither reference provides any incentive or motivation supporting the desirability of the combination, and as such, it is submitted that there is no basis in the art for combining the references to support a 35 U.S.C. § 103(a) rejection of claims 5, 13, 18, 19, and 25. Therefore, reconsideration and withdrawal of the rejection of claims 5, 13, 18, 19, and 25 over *Martin* in view of *Draper* is respectfully requested.

In conclusion, Applicants submit that each of claims 1-27 recite subject matter that is not taught, shown, or otherwise suggested by the cited combination of references, when taken alone or in combination. Therefore, reconsideration and withdrawal of the rejection of claims 1-27 is respectfully requested.

US Patent Application No. 09/888,166
Reply to Office Action of August 22, 2006

Attorney Docket No. 2000-0497 / 24061.330
Customer No. 42717

If for any reason the Examiner determines that the present application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney at the telephone number listed below to discuss the application.

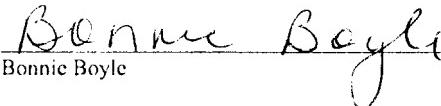
Respectfully submitted,



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I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>March 5, 2007</u>
 Bonnie Boyle